

REMARKS

Claims 8-20 were examined in the Final Office Action mailed March 11, 2009. Claims 8-20 continue to stand rejected under 35 U.S.C. § 103(a) as unpatentable over EP Patent Publication No. 1 052 562 A2 (“Collignon”).

The Applicants have carefully considered the Examiner’s remarks and the helpful illustrations attached to the March 11, 2009 Final Office Action. The Applicants are requested amendment of claim 8 to more specifically recite that the recited metal shell and plastic shell reinforcing elements are separate components, and to recite that the metal shell faces the vehicle firewall (the metal shell being “configured to be located between the pedal bearing and a mounting surface of the motor vehicle”), *i.e.*, the pedal bearing in the plastic shell reinforcing element is on the driver’s side of the metal shell (the side away from the firewall).

The Collignon reference teaches a block (pedal support 2) which is formed of plastic, or alternatively may be formed as a plastic/metal hybrid. Collignon does not teach or suggest a separate metal shell located between its block and the vehicle firewall; indeed, it teaches away from the present invention by teaching the use of a resilient (*i.e.*, not supporting) sound-dampening seal 20 between the firewall and the block 2. In response to the remarks in the pending Final Office Action at 6, regarding teaching away, the Applicants note that Collignon falls directly within MPEP § 2143.01.V’s comment that “[i]f a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed

modification,” and MPEP § 2143.01.VI’s comment that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” Here, substitution of a metal shell structure would not have been an obvious modification to the Collignon structure, as replacement of Collignon’s sound-dampening resilient pad 20 by a rigid (indeed, resonant, sound-transmitting) metal shell would both render the Collignon structure unsatisfactory for its intended use (*i.e.*, providing a sound-dampening pedal bearing structure) and change a operating principle (*i.e.*, use of resilient material to dampen sound transmission into the vehicle passenger compartment).

Accordingly, because the Collignon reference does not teach the invention recited in claim 8 as it would be amended, and further because it would not have been obvious to modify the Collignon arrangements to obtain the present invention because modification would render Collignon’s structure unsatisfactory for its intended purpose and would change a principle of operation of Collignon, claim 8, as amended, would be patentable over the Collignon reference under § 103(a).

CONCLUSION

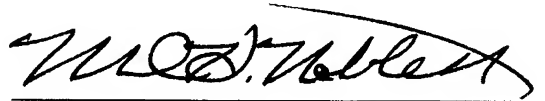
In view of the foregoing, entry of the requested amendments to claim 8 and issuance of a Notice of Allowance for claims 8-20 is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57252US).

Respectfully submitted,

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